

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TAWANDA SWAIZER,

Petitioner,

v.

SUSAN DAVIS,

Respondent.

Case No. 06-14451

Hon. Lawrence P. Zatkoff

ORDER

On March 17, 2009, the Court entered an order and judgment adopting the Magistrate Judge's report and recommendation and dismissing this case. The Court of Appeals remanded the case to this Court to determine whether Petitioner is entitled to a certificate of appealability.

A certificate of appealability may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. §2253(c)(2). A petitioner must show "that reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation omitted).

In this case, the Court concludes that reasonable jurists would not debate the Court's conclusion that the petition does not present any claims upon which habeas relief may be granted. Therefore, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: September 17, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on September 17, 2009.

S/Marie E. Verlinde
Case Manager
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